

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CHARLES J. SENIOR, NORMAN FAHY,
RONALD D. PHIPPS, RAYMOND W.
POSTMA, THOMAS G. HIRL and UNITED
STEELWORKERS OF AMERICA,
LOCAL 12004,**

Plaintiffs

v.

**NSTAR ELECTRIC AND GAS
CORPORATION and COMMONWEALTH
GAS COMPANY,**

Defendants.

Civil Action No. 04-10160-EFH

**JOINT MOTION TO CONTINUE DATE FOR FILING SUMMARY JUDGMENT
MOTIONS**

All Plaintiffs to this action (collectively referred to as “Plaintiffs”), and Defendants NSTAR Electric and Gas Corporation (“NSTAR”) and Commonwealth Gas Company (collectively referred to as “Defendants”), jointly move that the deadline for filing dispositive motions be continued from February 11, 2005, to and including March 4, 2005. The grounds for this motion are as follows:

1. This is an action by Plaintiff retirees who were represented by Local 12004 of the United Steelworkers of America during their employment with NSTAR and its predecessors. The Plaintiffs challenge modifications to retiree health benefits implemented in 2003.

2. While discovery has recently been completed, both Plaintiffs and Defendants intend to seek summary judgment. Due to the voluminous record in this action, including thousands of pages of document production and numerous depositions, additional time is required for preparation

of these motions.

3. After the completion of discovery, one of the Plaintiffs, Charles J. Senior, died on January 27, 2005. Plaintiffs have filed a motion to add a new Plaintiff (Garrett Fagan), whose deposition is scheduled to be conducted on February 7. In order to allow sufficient time for the deposition transcript to be received and incorporated into the parties' summary judgment motions, additional time is required for preparing such motions.

4. Both counsel for Plaintiffs and NSTAR have significant other commitments in the near future, including a major brief which Plaintiffs must file with the National Labor Relations Board by February 24, and a brief with the Appeals Court of Massachusetts which Defendants' counsel must file by March 11.

5. This case has proceeded on a parallel track with the related action of Louis Balestracci, et al. v. NSTAR Electric and Gas Corporation, Civil Action No. 04-11103-EFH. An identical motion for extension of time is being filed in that action.

WHEREFORE, the parties pray that this motion be allowed, and that the deadline for filing dispositive motions be continued from February 11, 2005, to and including March 4, 2005.

Respectfully submitted,

CHARLES J. SENIOR, et al.,

By their Attorneys,

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Dated: February 7, 2005

Respectfully submitted,

NSTAR ELECTRIC AND GAS
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GAS COMPANY,

By their Attorneys,

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Dated: February 7, 2005